

EXHIBIT 26

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL PRESCRIPTION : MDL NO. 2804
6 OPIATE LITIGATION :

7 _____
8 :

9 THIS DOCUMENT RELATES TO: : Case No. 17-md-2804
10 : Judge Dan A. Polster

11 Track Eight :
12 _____
13 :

14 Thursday, August 3, 2023

15 HIGHLY CONFIDENTIAL
16 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

17 Remote deposition of SHANNON L. BRICE,
18 commencing at 10:11 a.m., on the above date, before
19 Carol A. Kirk, Registered Merit Reporter, Certified
20 Shorthand Reporter, and Notary Public.

21
22 GOLKOW LITIGATION SERVICES
23 877.370.3377 ph | 917.591.5672 fax
24 deps@golkow.com

1 R E M O T E A P P E A R A N C E S

2 - - -

3 On behalf of the Plaintiffs:

4 SIMMONS HANLY CONROY
5 BY: LAURA S. FITZPATRICK, ESQUIRE
6 lfitzpatrick@simmonsfirm.com
7 112 Madison Avenue, 7th Floor
8 New York, New York 10016
9 212-257-8482

10 SIMMONS HANLY CONROY
11 BY: SARAH BURNS, ESQUIRE
12 sburns@simmonsfirm.com
13 One Court Street
14 Alton, Illinois 62002
15 618-693-3104

16
17
18
19 On behalf of Defendant Publix Super Markets, Inc.:

20 BARNES & THORNBURG LLP
21 BY: MONICA BROWNEWELL SMITH, ESQUIRE
22 mbrownewell@btlaw.com
23 11 South Meridian Street
24 Indianapolis, Indiana 46204
317-231-7205

1 R E M O T E A P P E A R A N C E S

2 - - -

3 On behalf of Defendant The Kroger Company:

4 SWIFT, CURRIE, MCGHEE & HIERS, LLP
5 BY: NOAH CALDWELL, ESQUIRE
6 noah.caldwell@swiftcurrie.crom
7 1420 Peachtree Street, NE, Suite 800
8 Atlanta, Georgia 30309
9 404-874-8800

10 ALSO PRESENT:

11 Brannen Wilson, Publix
12 Bill Hammond, Publix
13 Jonathan Jaffe
14 Amanda Unterreiner, Motley Rice
15 Gina Veldman, Trial Tech
16
17
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3	Exhibit 1	Personnel file for Shannon	86
4		Brice, Bates-stamped P-PUB-785A and 786, 225 pages	
5	Exhibit 2	Document titled "Chapter 8:	229
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11	Exhibit 4	E-mail to M. Chavez from	247
12		D. Bland, dated May 23, 2019, with attachment, Bates-stamped PUBLIX-MDLT8-00114908 through 114910	
14	Exhibit 5	E-mail to C. Madill from	261
15		T. Seymour, dated 1/11/2021, with attachment, Bates-stamped PUBLIX-MDLT8-00082132 through 82133	
17	Exhibit 6	E-mail to Pharmacy 0496 from	272
18		L. Jacobson, dated 7/22/2019, with attachment, Bates-stamped PUBLIX-MDLT8-00076593 through 76596	
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5		M. Chavez, dated 3/14/2019,	
6		Bates-stamped PUBLIX-MDLT8-	
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2 P R O C E E D I N G S

3 - - -

4 THE COURT REPORTER: We are now on
5 the record. My name is Carol Kirk.

6 I am a court reporter for Golkow
7 Litigation Services.

8 Today's date is August 3, 2023,
9 and the time is 10:11 a.m.

10 This remote deposition is being
11 held in the matter of In Re: National
12 Prescription Opiate Litigation, Track 8,
13 for the United States District Court,
14 Northern District of Ohio, Eastern
15 Division. The deponent is Shannon
16 Brice.

17 All parties to this deposition are
18 appearing remotely and have agreed to
19 the witness being sworn in remotely.

20 Due to the nature of remote
21 reporting, please pause briefly before
22 speaking to ensure all parties are heard
23 completely.

24 - - -

1 SHANNON L. BRICE

2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 BY MS. FITZPATRICK:

6 Q. Good morning, Ms. Brice.

7 A. Hi.

8 Q. Good morning. My name is
9 Laura Fitzpatrick, and I'm here today on behalf
10 of Cobb County, among other plaintiffs, in the
11 National Prescription Opiate Litigation.

12 You and I met just now this
13 morning for the first time via Zoom; is that
14 correct?

15 A. Yes.

16 Q. And I know it's kind of a funny
17 thing. It's a new world that we live in where
18 we're doing these depositions via Zoom. But
19 when I say we met, I only mean to imply that you
20 and I, we've never met in person, but we met for
21 the first time this morning via this
22 videoconferencing app, correct?

23 A. Correct.

24 Q. Okay. Thank you.

1 Now, Ms. Brice, if you would,
2 please, for the record state your full name.

3 A. Shannon Leigh Brice.

4 Q. How do you spell Leigh, if you
5 don't mind me asking?

6 A. L-e-i-g-h.

7 Q. I'm Laura Leigh. That's why
8 I asked, and I'm spelled the same way. So we
9 already have something in common.

10 Now, Ms. Brice -- and is this how
11 you'd like for me to refer to you today, is
12 Ms. Brice? There's no other name?

13 A. No. That's fine.

14 Q. Okay. Thank you.

15 Now, Ms. Brice, where do you
16 currently live?

17 A. 109 North Springs Way, Acworth,
18 Georgia.

19 Q. Have you always lived in Acworth?

20 A. No.

21 Q. And is Acworth in Cobb County,
22 Ms. Brice?

23 A. Not where we are.

24 Q. Okay. What county are you in?

1 I'm getting at.

2 MS. SMITH: Object to form.

3 A. The -- if it was a controlled
4 substance, that would depend on -- I would
5 not -- I would not myself then go and try to
6 order it from another warehouse. That is all
7 handled corporately.

8 Q. Got it.

9 Okay. That was one of the -- that
10 was going to be my next question, if that was
11 something the pharmacist did or if that was
12 something handled by corporate in terms of --

13 A. That's my understanding. Yes.

14 Q. Okay. And roughly what was the
15 turnaround time, in your experience, when an
16 order was flagged or held up for some reason,
17 the time between when that happened until when
18 you were actually able to get the medication
19 that you were trying to order, whether it be
20 through Publix who, you know, replaced the order
21 for you with its own warehouse or Publix placing
22 the order with an outside wholesaler, wholesale
23 distributor?

24 A. We would receive an e-mail when

1 the order then got approved. It was usually
2 within 24 to 48 hours. I don't think it was
3 longer than that.

4 Q. And in your experience, were most
5 of those orders that got flagged at some point
6 approved?

7 A. Yes.

8 Q. Thank you.

9 I may come back to this in a bit.
10 But I want to -- well, let me ask you this:
11 Would you have any conversations with
12 Ms. Jacobson or Mr. Chavez about this process
13 generally --

14 MS. SMITH: Object to form.

15 Q. -- the approval process?

16 A. I have not, but if I had a
17 question about anything, then, yes, then I would
18 get with my pharmacy supervisor, and they would,
19 you know, guide me or answer my question about
20 it.

21 Q. Okay. Thank you.

22 Now, we started on this topic, and
23 we got a little off the road. We had a little
24 detour for a bit.

1 matter in the way that you recalled the subject
2 matter of the two separate e-mails we just
3 discussed, right?

4 A. That's correct.

5 Q. Okay. Now, what about --

6 I specifically asked about e-mails. What about
7 documents generally? So any other types of
8 documents other than e-mails that you reviewed
9 with the lawyers for Publix?

10 MS. SMITH: Same objection.

11 A. I think there may have been a page
12 out of an R&P guide.

13 Q. And an R&P -- I'm so sorry.

14 I didn't mean to interrupt. Please go ahead.

15 A. But I don't remember other than
16 that. I don't remember.

17 Q. And is an R&P guide different from
18 the reference and procedure guide, or is that --

19 A. That is.

20 Q. Do you recall what chapter that
21 was from?

22 A. No.

23 Q. Do you recall the subject of the
24 page from the Publix reference and procedure

1 guide you reviewed?

2 A. It was a list of items to consider
3 when deciding whether or not a prescription
4 presented to you was a legitimate prescription
5 for a controlled substance.

6 Q. And had you seen that part of the
7 manual before?

8 A. No.

9 Q. So that was the first time that
10 you saw that list of -- sorry. I lost my
11 realtime here, but I think I'm going to get it
12 back.

13 Was that the first time that you
14 had seen that list of items to consider when
15 deciding whether or not a prescription presented
16 to you was a legitimate prescription for a
17 controlled substance?

18 MS. SMITH: Object to form.

19 A. That was the first time I'd seen
20 it presented from within the R&P guide, yes.

21 Q. Yes, ma'am. And you have been --
22 and we're going to get to your -- I'm skipping
23 ahead a little bit to your background, but
24 you've been a Publix pharmacist since 1998; is

1 about some patients just because I don't know
2 them very well.

3 Q. Right. And unless it's documented
4 in the computer system, another Publix
5 pharmacist at another store or even at that
6 store wouldn't have the benefit of those
7 conversations, right?

8 MS. SMITH: Object to form.

9 A. Not conversations between me and
10 my partner. No.

11 Q. About suspicious patients or
12 suspicious prescribers, right?

13 A. Correct, if it was something that
14 the two of us were just discussing about a
15 particular prescription.

16 Q. And Publix does not have a
17 prescriber monitoring program, does it?

18 MS. SMITH: Object to form.

19 A. Not that I'm aware of. No.

20 Q. Okay. And there's no uniform way
21 for -- well, strike that.

22 Publix does not have a central do
23 not fill list, does it?

24 A. No.

1 Q. Okay. And Publix does not have a
2 centralized method by which Publix tracks or
3 notifies pharmacists of problematic prescribers,
4 right?

5 A. Not that I'm aware of. No.

6 Q. And Publix does not -- although
7 you document due diligence and should be
8 commended for that, Publix does not have a
9 requirement that pharmacists document due
10 diligence done in the resolution of red flags,
11 does it?

12 MS. SMITH: Object to form.

13 A. I'm not aware of one if there is.

14 Q. Okay. Have you ever heard,
15 Ms. Brice, of a -- well, let me back up.

16 Has Ms. Bunch ever specifically
17 mentioned to you the name of any physicians that
18 she is concerned of writing inappropriate
19 controlled substance prescriptions?

20 A. Not that I can recall.

21 Q. Okay. Does the name Dr. Gigi
22 Bell-Wade ring a bell to you?

23 A. I know that we've received -- I've
24 seen that doctor's prescriptions, yes.

1 Q. Have you filled controlled
2 substances prescriptions written by that
3 physician?

4 A. I believe so, yes.

5 Q. Okay. And has anyone at Publix
6 ever talked to you about any concerns regarding
7 Dr. Wade's prescriptions?

8 A. Not that I can recall.

9 Q. And Ms. Bunch, who was in your own
10 store and who you work with, has not talked to
11 you about concerns related to Dr. Wade?

12 A. No, not that I can remember.

13 Q. Okay. I want to briefly touch on
14 a couple things.

15 I know we talked about some of
16 your -- you're a salaried employee, but you
17 also -- pharmacists at Publix can also receive
18 bonuses; is that right?

19 A. Yes.

20 Q. And those bonuses are based in
21 part on script volume?

22 MS. SMITH: Object to form.

23 A. No.

24 Q. You're not aware that Publix's

1 not the case.

2 Q. I'm not asking you if it's the
3 case or not. I'm asking you, as a pharmacist,
4 do you think it's an -- do you think it is
5 appropriate or inappropriate for any company to
6 include controlled substances in script counts,
7 okay, prescription counts, for the purposes of
8 pharmacists or pharmacy leader bonus
9 calculations?

10 MS. SMITH: Objection to form,
11 calls for speculation.

12 A. Then, no, in my opinion, I don't
13 think that would be appropriate.

14 Q. Okay. Do you understand that at
15 Publix -- well, strike that.

16 Do you agree that it -- have you
17 received a -- bonuses at Publix, are they
18 quarterly or yearly?

19 A. There are both.

20 Q. So do you receive a quarterly --
21 there is an opportunity to earn a quarterly
22 bonus?

23 A. There is a quarterly bonus, yes.

24 Q. And how does that differ from what